



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Atty Roberts, Gregory, of Barrus & Roberts (for Petitioners Pedro Cervantes and Susan Cervantes)

(1) First and Final Account and Report of Guardian and Petition for Its Approval; (2) for Allowance of Attorney's Fees and Costs; (3) Discharge or Guardian of Person; and (4) Authority to Deliver Assets

Age: 19 years			PEDRO CERVANTES and SUSAN CERVANTES , maternal grandparents and Co-Guardians of the Person and Estate appointed on 1/7/1999, are Petitioners. <u>Account period: 1/7/1999 – 8/9/2010</u> Accounting - \$173,712.00 Beginning POH - \$131,531.20 Ending POH - \$173,712.00 (<i>all cash</i>) Co-Guardians - waive Attorney - \$1,400.00 (<i>per Declaration, which includes 1 hour estimated for attorney's review of documents and attendance at hearing</i>) Attorney Costs - \$421.00 (<i>filing fees and certified copies</i>) Petitioners state they received a check from Thrift Savings Plan [from the ward's deceased mother's participation via her former employer] for \$10,769.85 , and without realizing the funds were to go into a blocked account, the Petitioners used the funds to purchase bedroom furniture, clothing and to pay for medical bills of the minor; these funds were mistakenly not placed in a blocked account and not kept track of as part of the guardianship account, as these funds went directly to Petitioners and not through their counsel's office (<i>please refer to Declaration of Susan Cervantes filed 1/9/2012.</i>) ~Please see additional page~	NEEDS/PROBLEMS/COMMENTS:
DOB: 8/9/1992				
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
✓	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W/		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

Reviewed by: LEG
Reviewed on: 2/17/12
Updates:
Recommendation:
File 1 - Strickland

Declaration of Susan Cervantes filed 1/9/2012 states she did not realize the Thrift Savings Plan funds she was using were to be held in a blocked account; that she and the Co-Guardian have purchased things for the minor over the years and the costs have far exceeded the **\$10,769.85**; and she apologizes to the Court for the error.

Declaration of Jordan Strickland filed 1/9/2012 states he went to CITIBANK after his 18th birthday and requested to withdraw money from his account, and the bank allowed him to open a personal account and transfer money from the guardianship account into a checking account; he is the only person who has withdrawn money from the account, and his grandparents and court-appointed Guardians have not taken any money from the account; he also went to CHASE bank to withdraw his money and that bank told him he needed a court order and would not release any money to him without a court order; he did not know that he could not use the money or take the money out of the accounts without a court order; he apologizes to the Court if he has done anything wrong, as he thought the money was his and that he could use it how he wanted.

Petitioners request that the guardianship be terminated as the former ward attained the age of 18 years on 8/9/2010; Petitioners request that they be discharged as Guardians of the Person and Estate of the former ward.

Petitioners pray for an Order:

1. Settling and allowing the First and Final Account and report and confirming the acts of the Petitioners and Guardians of the Estate for the account period;
2. Authorizing Petitioners to pay the attorney fees and reimbursement of costs advanced;
3. Discharging the Petitioners as Guardians of the Estate; and
4. Authorizing Petitioners to deliver the property remaining in their possession to Jordan Everett Strickland, and to facilitate this delivery, authorizing the unblocking of the Chase bank account and the Citibank account.

Atty Cross, Robert W. M., sole practitioner of Selma (for Petitioner Irma Lozano, Administrator)

(1) Second and Final Account and Report of Administrator and Petition for Its Settlement, (2) for Allowance of Compensation to Attorney for Ordinary Services, and (3) for Final Distribution (Prob. C. 10902 and 10950)

DOD: 10/11/2003			IRMA LOZANO , daughter and Administrator with Full IAEA without bond appointed on 1/2/2007, is Petitioner. Account period: 1/11/2011 – 1/23/2012 Accounting - \$215,500.00 Beginning POH - \$215,500.00 Ending POH - \$ 13,258.64 (<i>all cash</i>) Administrator - waives Administrator's Claim - \$6,673.54 (<i>partial payment of \$20,549.49 Creditor's Claim documented in Attachments 1 through 6 to the First Account and Report filed 1/11/2011; for payment of property taxes, insurance, utilities/water/power, house maintenance/yard, and funeral expenses;</i>) Attorney - \$4,500.00 (<i>less than statutory of \$7,310.00</i>) Costs - \$2,085.10 (<i>filing fees, certified copies, publication, probate referee, appearance fee in litigation matter;</i>) Petitioner states: <ul style="list-style-type: none">During the period of the account, Petitioner sold the real property residence in Selma for \$75,000 (<i>Seller's Final Closing Statement attached as Exhibit B</i>), on <u>6/15/2011</u> after years of having the property on the market; the sale price was fair even though much less than the valuation of \$215,000, and the sale was proceeded by <i>Notice of Proposed Action</i> to all heirs;Petitioner also settled all claims of the Department of Health Services for the discounted amount of \$50,000 [<i>Dismissal of Creditor's Claim and Withdrawal of Request for Special Notice</i> was filed on 7/5/2011]; ~Please see additional page~
Cont. from			
	Aff.Sub.W		
✓	Verified		
✓	Inventory		
✓	PTC		
✓	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W/O	
	Aff.Pub.		
✓	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters	010207	
	Duties/S		
	Objections		
	Video Receipt		
	CI Report		
✓	9202		
	Order	X	
	Aff. Post		
	Status Rpt		
	UCCJEA		
	Citation		
✓	FTB Notice		

Petitioner states, continued:

- Petitioner paid out of her own funds **\$1,400** to settle an individual's claim against the estate;
- Petitioner submitted a claim against the estate for **\$20,549.49**, documented in full as *Attachments 1 through 6* to the *First Account and Report* filed 1/11/2011 [*Order Settling First Account and Report of Administration was signed 4/7/2011*]; Petitioner was not reimbursed at the time of the first account, and requests **\$6,673.54** of the total amount she expended be reimbursed to her;
- While Petitioner has made other payments in the last year on behalf of the estate, she is not seeking reimbursement for any of those expenditures; there are insufficient funds to reimburse her for the expenditures;
- Items of household furniture valued at **\$500.00** on the *Inventory and Appraisal* were not realistically saleable and so were given to heirs who wanted them and were in position to take them;
- There will be no distribution to any of the Decedent's heirs because [there are insufficient funds], even with the waiver of compensation by Petitioner as Administrator, a significant reduction in attorney's fees for the probate action, and no charging of attorney's fees in connection with the separate lawsuit with the Department of Health Care Services [10CECG02260].

Petitioner prays for an Order:

1. Settling, allowing and approving the *First Account* of Petitioner as Administrator, and confirming and approving all acts and proceedings of Petitioner as Administrator;
2. Authorizing and directing Petitioner to pay the attorney's compensation of **\$4,500.00** and reimbursement of **\$2,085.10** costs advanced by the attorney;
3. Authorizing Petitioner to pay herself **\$6,673.54** as satisfaction of her claim as creditor of the estate;
4. Distributing any other property of Decedent or the estate not now known or discovered to the persons entitled to it, Decedent's children, as follows: 1/5th each Eugenio Lozano, Rosanelia Garcia, Richard Lozano, Mary Helen Jasso, and Irma Lozano; and
5. Discharging and releasing Petitioner from all liability to be incurred hereafter upon the filing of receipts [*Examiner added: and approval of an Ex Parte Petition for Final Discharge and Order.*]

Atty Cross, Robert W. M., sole practitioner of Selma (for Petitioner Rebba Workmon)

(1) First and Final Report of Executor on Waiver of Account and (2) Petition for Allowance of Compensation to Attorney for Ordinary Services and for (3) Final Distribution

DOD: 6/1/2009		REBBA WORKMON , daughter and Executor with Full IAEA without bond appointed on 5/18/2010, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Accounting is waived.	1. Proposed order does not comply with Local Rule 7.6.1(A) providing that monetary distributions must be stated in dollars, and not as a percentage of the estate. Need revised proposed order containing the dollar amount to be distributed to each distributee, along with the percentage to each of the Note secured by Deed of Trust.
Cont. from		I & A - \$312,007.29	
<input type="checkbox"/>	Aff.Sub.W	POH - \$286,071.57 (\$284,451.57 is cash)	
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory	Executor - waives	
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.	Attorney - \$5,500.00 (less than statutory of \$9,240.15; Note: Petition calculates statutory fees based upon a loss on the sale of the real property; no loss should be included, as payment of seller's costs are not considered a loss;)	
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	Costs - \$1,152.40 (filing fees, probate referee, publication, certified copies)	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	Petitioner states:	
	Conf. Screen	<ul style="list-style-type: none"> Petitioner took the following actions with close communication with CAROLYN E. KENDRICK, the other distributee: sold motor home for its inventoried value of \$100; sold pickup truck for its inventoried value of \$13,000 to Carolyn Kendrick by receipt in the estate of \$5,000 cash and by receipt of the Petitioner of an old tractor; Petitioner and Carolyn Kendrick disposed of other personal property jointly by mutual agreement; Petitioner sold the real property residence located at 6726 E. Clarkson in Selma for its appraised value of \$160,000 in July 2011 following service of <i>Notice of Proposed Action</i> and written consent of Carolyn Kendrick; A Note with an inventoried value of \$4,110.67 secured by a Deed of Trust on the real property located at 15528 S. Hughes has now been paid down to \$1,619.95 with continuing monthly payments of \$100. 	
	Letters 051810		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation	Distribution pursuant to Decedent's Will is to:	
<input checked="" type="checkbox"/>	FTB Notice	<ul style="list-style-type: none"> REBBA WORKMON – [\$138,899.59 cash] and 50% interest in the Note secured by Deed of Trust on real property located at 15528 S. Hughes; CAROLYN E. KENDRICK – [\$138,899.59 cash] and 50% interest in the Note secured by Deed of Trust on real property located at 15528 S. Hughes. 	

Reviewed by: LEG

Reviewed on: 2/21/12

Updates:

Recommendation:

File 4 – Powell

Accounting by James L. Saccheri

			JAMES L. SACCHERI is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Proof of service of the <i>Notice of Hearing</i> indicates the <i>Notice of Hearing</i> was mailed on 2/9/12, 20 days notice and not 30 days as required by Probate Code §17203. 2. Need order.
			Account period: 6/20/2002 – 7/1/2008	
Cont. from 011812			Accounting - \$419,906.61	
	Aff.Sub.Wit.		Beginning POH - \$299,293.44	
✓	Verified		Ending POH - \$ 53,417.09	
	Inventory		Petitioner prays that the accounting for the period of 6/20/2002 – 7/1/2008 be settled, allowed and approved.	
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W/O		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order	X		
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
				Reviewed by: KT
				Reviewed on: 2/21/12
				Updates:
				Recommendation:
				File 8 – Marando

**Petition for Final Distribution on Waiver of Accounting and for Allowance of
Statutory Commissions (Prob. C. 10400-10406, 10904, 11600, 11642)**

DOD: 8/7/2010	PATRICK McLEMORE , son and Administrator, is Petitioner.		NEEDS/PROBLEMS/COMMENTS:
	Accounting is waived.		<u>Continued from 1/24/2012. Minute Order states the matter is continued to 2/29/2012 at the request of the Petitioner.</u>
			<u>The following issues from the last hearing remain:</u>
Cont. from 012412	I & A -	\$145,000.00	1. Need <i>Notice of Hearing</i> of the <i>Petition for Final Distribution on Waiver of Accounting</i> , and proof of mailed service of 15 days' notice prior to hearing pursuant to Probate Code §§ 11000 and 11601 for the following persons:
Aff.Sub.Wit.	POH -	\$125,000.00	<ul style="list-style-type: none"> • Mark A. Troutman, son • Cheryl A. Widener, daughter; • Peggy E. Turner, step-daughter; • Kelly J. Basoco, step-daughter.
✓ Verified	Administrator -	[\$5,260.00]	2. Need proof of mailed service of 15 days' notice prior to hearing of the <i>Notice of Hearing</i> along with a copy of the <i>Petition</i> for Union Bank per the <i>Request for Special Notice</i> filed 1/25/2011, pursuant to Probate Code §§ 1250, 1252, 11000, and 11601.
✓ Inventory	(statutory)		3. Need proof of mailed service of 15 days' notice prior to hearing of the <i>Notice of Hearing</i> along with a copy of the <i>Petition</i> for Scott Weltman, Esq. (for Bank of America) per the <i>Request for Special Notice</i> filed 9/16/2010, pursuant to Probate Code §§ 1250, 1252, 11000, and 11601.
✓ PTC			4. Pursuant to Local Rule 7.12.4, the Court will not order distribution of real property in undivided interests without the written consent of all distributees. Need written consent of:
✓ Not.Cred.			<ul style="list-style-type: none"> • Patrick McLemore, step-son; • Mark A. Troutman, son; • Cheryl A. Widener, daughter; • Peggy E. Turner, step-daughter; • Kelly J. Basoco, step-daughter.
Notice of Hrg			5. Statutory fee base does not include the \$3,000.00 loss on sale of Decedent's automobile. Correct statutory fee calculates as \$5,260.00 when the loss is taken into account as required by Probate Code § 10800. Proposed order does not contain a finding for award of statutory commissions to Petitioner as is requested in the <i>Petition</i> . Need revised proposed order awarding the correct amount of statutory compensation to the Petitioner as Administrator.
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters	101310		
Duties/S			
Objections			
Video Receipt			
CI Report			
✓ 9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
✓ FTB Notice			
			Reviewed by: LEG
			Reviewed on: 2/17/12
			Updates:
			Recommendation:
			File 14 - McLemore

Atty Garcia, Elsa (pro per – paternal aunt/Petitioner for Alfredo/Alyssa)

Petition for Appointment of Temporary Guardianship of the Person (Prob. C. 2250)

Alfredo, 5 DOB: 08/24/06		<p align="center"><u>GENERAL HEARING 04/11/12</u></p> <p>ELSA GARCIA, paternal aunt, is Petitioner.</p> <p>Father: JOSE AGUSTIN LEON – <i>incarcerated</i></p> <p>Mother: ROSEANA ORTIZ – <i>currently incarcerated</i></p> <p>Paternal grandfather: AGUSTIN LEON Paternal grandmother: PETRA GARCIA AUMADA</p> <p>Maternal grandfather: DECEASED Maternal grandmother: IRENE ORONA</p> <p>Siblings: AGUSTIN LEON, JAYLEN ORTIZ</p> <p>Petitioner states that both parents are incarcerated. The children had been living with their mother prior to her being arrested. The mother's home was very dirty, with no gas and no food in the refrigerator. The mother was evicted from her home for not paying the rent.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>This Petition pertains to Alfredo and Alyssa Ortiz only. A Petition guardianship of Jaylen and Agustin by another paternal aunt, Guadalupe Villagomez was heard on 02/27/12.</p> <ol style="list-style-type: none"> 1. UCCJEA is incomplete. Need children's residence address from birth to 02/03/12. 2. Need <i>Notice of Hearing</i>. 3. Need proof of personal service at least 5 court days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Temporary Guardianship or Consent and Waiver of Notice or Declaration of Due Diligence</i> for: <ul style="list-style-type: none"> - Jose Agustin Leon (father) - Roseana Ortiz (mother) 	
Alyssa, 9 DOB: 02/11/03				
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			x
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			x
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			

Reviewed by: JF
Reviewed on: 02/17/12
Updates:
Recommendation:
File 21 – Ortiz & Leon